

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE
and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 23930 of 2001

Between:

M/S Theja Industries,
Narayanareddypeta, Nellore Rural mandal,
Rep by its proprietrix V.Gowthami W/o V.Ganesh Babu
Ashoknagar, Navalak Gardens, Nellore District

PETITIONER

AND

- 1 The District Collector, Nellore Dist
- 2 The Mandal Revenue Officer, Nellore,
Nellore Dist
- 3 The Environment Engineer AP Pollution Control Board Regional
Office, APSFC. Buildings, A.K.Nagar, Nellore -4

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of Certiorari under Article 226 of Constitution of India declaring the proceedings of the Dist. Collector , Nellore Vide. L.Dis. (ES) S.C/2001 dt. 3/07/2001 and the consequential notice of the Mandal Revenue Officer, Nellore Dist. in R.C.A, No. 656/2001 dated. 30/10/2001 is arbitrary, illegal, without jurisdiction, in violation of Rule 32-A of water (Prevention & Control of Pollution) Rules, 194 and Rule 29-A of A.I.R. (Prevention & Control of pollution) Rules 1994 and consequently Quash the same and pass

Counsel For the Petitioner:MR.CH.CKRISHNA REDDY

Counsel For the Respondent No.1 and 2: GP FOR REVENUE

Counsel for the respondent No.3: Mr S.V.Bhatt

The Court Made the Following ORDER :

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(per The Hon'ble The Chief Justice Sri Devinder Gupta)
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Petitioner has questioned the action of the respondents in issuing proceedings dated 3-7-2001 and 30-10-2001 directing the petitioner to stop the construction / opening of plastic pipe factory in the name of Theja Industries at Narayanareddypeta, Nellore mandal, Nellore district.

Admittedly there is no consent obtained by the petitioner from the A.P. Pollution Control Board. As per the stand taken by the Pollution Control Board, the petitioner's unit is not in the category of 65 SSI permitting industries. Therefore, it was not permissible for the petitioner to have ventured into opening or establishing its unit without obtaining necessary NOC from the Pollution Control Board. After inspection by the Pollution Control Board on 16-6-2001 petitioner was directed to stop the activity forthwith and to select an alternative site away from habitation and based upon the said report the District Collector directed the Mandal Revenue Officer not to allow establishing of petitioner's unit in the village in question.

Learned counsel for the petitioner submits that orders were passed without issuing any show cause notice to the petitioner or without affording an opportunity of hearing.

We do not find any illegality in the respondents' action since no show cause notice is necessary in such like cases where persons like the petitioner take law into their own hands and establish a unit without obtaining requisite permission. It is for the petitioner to establish unit at a place which is not prohibited and that too after obtaining necessary no objection certificate from the Pollution Control Board.

With the above observations the writ petition stands disposed of.
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DEVINDER GUPTA, CJ

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G.ROHINI, J

16th June, 2004.

nmr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The District Collector
Nellore Dist
2. The Mandal Revenue Officer Nellore
Nellore Dist
3. Government Pleader for Revenue
4. 2CD copies

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